REMARKS

Claims 1, 3-6,10, 11, 14-17 are pending and stand allowed.

No amendments are being made.

Summary of Invention:

Applicant's invention relates to polymeric articles having a textured surface and a frosted appearance. To have a frosted appearance, the minimum opacity number should be about 10%. The loading of the beads and mismatch of refractive index between the beads and matrix material affects the hiding power. (page 14, lines 1-6). The composition is useful for lighting, signs, shower doors and office doors where privacy is preserved without sacrificing loss of light. The refractive index difference between the particles and the matrix is such that light is slightly diffused to produce a frosted appearance, but not bent enough to produce an opaque appearance. Average particle size, particle size distribution are key factors to provide the performance properties.

European Opposition

Applicant is filing this Request for Continued Examination after the Notice of Allowance, due to notification of a European Opposition on the European equivalent application, EP 1 022 115 B1.

Applicant has reviewed the references cited in the Opposition, and has found no reference that is believed to teach or suggest all of Applicant's claim elements and limitations. Specifically, the combination of mean particle size (35 to 70 micrometers), particle size distribution (10 to 110 micrometers), Refractive Index difference between the matrix and particles, the surface roughness, optical properties, and particle chemistry, as claimed, is neither taught or suggested.

Comments: Attached are a few brief comments regarding some specific references cited in the European Opposition. The "D1-13" references are listed below for reference.

The European patent EP 1 022 115 contains a typo in claims 7 and 11, wherein the Refractive Index difference was listed as greater than "0.2" rather than the proper "0.02" as in the US claims. This is not an issue in the correct US claims. The Rohm opposition D1 and D2 address this point.

D4 of the Lucite Opposition (US 4,876,311) and D3 of the Rohm Opposition (DE 35 28 165) are equivalent patents, and have been addressed at length in the file history of the present application.

In view of the above remarks, Applicant believes that the claims, as previously allowed, should be allowable to the Applicant in light of the additional references. Accordingly, reconsideration and allowance are requested.

Respectfully submitted,

Thomas F. Roland

Date: 3/23/05

Thomas F. Roland, Esq.
Attorney for Applicant
Reg. No. 42,110

ATOFINA Chemicals, Inc.
Patent Department – 26th floor
2000 Market Street
Philadelphia, PA 19103-322
Tel (215) 419-7314
Fax (215) 419-7075

APPENDIX

The following references are listed in the two Oppositions:

Notice of Opposition to a European Patent, Lucite International UK Limited
Notice of Opposition to a European Patent, Rohm GmbH & Co. KG (English Translation)
D1 JP 04-279668
D2 JP 59-038253
D3 JP 61-159440
D4 US 4,876,311
D5 US 5,395,822
D6 US 3,345,434
D7 US 5,063,259
D8 US 3,992,486
D9 GB 2,220,002
D10 US 5,621,028
D11 The Physics of Glassy Polymers, 1997, Chapter 8, 8.1 Rubber Toughening
D12 Polymer Blends, 1999, p157, 170 and 173
D13 US 4,000,216
D1 Brandrup, J,: Immergut, E. H.; Grulke, E. A. "Polymer Handbook" 1975, S. III-241 - III-244
D2 Our own calculations of the difference in the refractive index
D3 DE 35 28 165 A1 (equivalent to US 4,876,311)
D4 Schildknecht, C. E. "Polymerization processes" New York, Wiley & Sons (1977) S. 106-142
D5 JP 61-078859 (Abstract only)
D6 JP 61-159440 (listed as D3 above)
D7 Saechtling "Kunststoff-Taschenbuch" Munchen, Wein, Hanser, 26 Ausgabe (1995), S. 428-429